

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

MICHAEL D. JACKSON,	:	
	:	NO. 1:12-CV-00230
Petitioner,	:	
	:	
	:	
v.	:	ORDER
	:	
	:	
WARDEN, Lebanon Correctional	:	
Institution,	:	
	:	
Respondent.	:	

This matter is before the Court on the Magistrate Judge's Report and Recommendation (doc. 12) and Petitioner's objections thereto (doc. 16).

As required by 29 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b), the Court has reviewed the comprehensive findings and analyses of the Magistrate Judge and considered de novo all of the filings in this matter. Petitioner's objection centers on his assertion that he is entitled to equitable tolling, which echoes the arguments he made in his opposition to the Warden's motion to dismiss. The Court finds Petitioner's objections unpersuasive and has determined that the Magistrate Judge's Report and Recommendation thorough, well-reasoned and correct. Accordingly, the Court ADOPTS and AFFIRMS it in its

entirety (doc. 12). Consequently, Defendant's Motion to Dismiss is GRANTED (doc. 7), Petitioner's petition for habeas corpus is DENIED WITH PREJUDICE (doc. 1), and this matter is closed on the Court's docket. The Court DECLINES to issue a certificate of appealability with respect to Petitioner's claims because "jurists of reason would not find it debatable whether this Court is correct in its procedural ruling." See Slack v. McDaniel, 529 U.S. 473, 484-85 (2000). Pursuant to 28 U.S.C. 1915(a)(3), this Court CERTIFIES that any appeal of this order will not be taken in good faith, and therefore DENIES Petitioner leave to appeal in forma pauperis upon a showing of financial necessity. See Fed. R. App. P. 24(a); Kincade v. Sparkman, 117 F.3d 949, 952 (6th Cir. 1997).

SO ORDERED.

Dated: June 25, 2013

s/S. Arthur Spiegel
S. Arthur Spiegel
United States Senior District Judge